

Office Action Summary

Application No.
09/299,875

Applicant(s)

Miyamoto et al

Examiner

Mark Wallerson

Art Unit

2622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 7, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7 6) ☐ Other:

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **2/7/2003**.
2. This application has been reconsidered. Claims 1-61 are pending.

Claim Objections

3. Claims 1, 13, 20, 39, and 61 are objected to because of the following informalities:

Line 7 of claim 1 claims the limitation of “transferring data **with** the device”. This should be “transferring data **to** the device”. Appropriate correction is required. This also applies to claims 13, 20, 39, and 61.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Isoda (U. S. 6,249,835).

With respect to claims 1, 6, 9, 10, 11, 12, 17, 20, 25, 28, 29, 30, 31, 36, 39, 44, 47, 48, 49, 52, 53, 58, and 61, Isoda discloses a transfer data apparatus (computer) for transferring data to a device (printer) connected by a serial bus (figure 1) comprising means for calculating a band width based on a performance of the device (column 7, lines 30-43 and column 12, lines 12-29); means for ensuring a channel having the calculated bandwidth (column 10, lines 43-49), and transferring data to the device with the ensured channel (column 6, lines 51-57 and column 10, lines 43-49).

With respect to claims 2, 21, 40, 50, and 51 the device is a printer (figure 1) or computer (column 14, lines 1-13).

With respect to claims 3, 4, 5, 22, 23, 24, 41, 42, and 43, Isoda discloses the bandwidth is calculated based on a printer speed (column 10, lines 12-16).

With regard to claims 7, 26, and 45, Isoda discloses performing isochronous transfer (column 7, lines 30-41).

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With respect to claims 8, 27, and 46, Isoda discloses transferring invalid data to the channel (column 12, lines 5-11).

With regard to claims 13, 32, and 54, Isoda discloses when a number of cycles necessary for data transfer to another device is not more than a predetermined value, transferring data to the other device (column 16, lines 37-47).

With respect to claims 14, 15, 16, 33, 34, 35, 55, 56, and 57, Isoda discloses monitoring a usage of the device by the channel (column 7, lines 14-21 and column 10, lines 7-29).

With regard to claims 18, 19, 37, 38, 59, and 60 Isoda discloses serial busses complying with IEEE 1394 and USB standards (column 3, lines 51-61).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

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(for informal or draft communications, such as proposed amendments to be discussed at an
interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

MARK WALLERSON
PRIMARY EXAMINER

MARK WALLERSON